

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13953, of Frank Larkin, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the side yard requirements (Sub-section 3305.1), from the prohibition against allowing an open parking space less than ten feet from an existing dwelling (Paragraph 7205.21), from the prohibition against allowing an open parking space to be located in front of a dwelling (Paragraph 7205.12) and from the prohibition against allowing a parking space to be located less than three feet from a side lot line (Paragraph 7205.122) for a proposed addition to an existing detached dwelling, a non-conforming structure, in an R-1-B District at premises 5234 Sherrier Place, N.W., (Square 1415, Lot 818).

HEARING DATE: April 27, 1983

DECISION DATE: April 27, 1983 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located approximately eighty feet from the southern corner of the intersection of Arizona Avenue and Sherrier Place, N.W. It is in an R-1-B District and is known as 5234 Sherrier Place, N.W.

2. The subject property is improved with a two story plus basement, single family detached residence. There is a detached garage at the rear of the structure near the southern corner of the lot. The structure, built in 1916, predated the current Zoning Regulations, effective on May 12, 1958.

3. The subject lot and structure are non-conforming with regard to the lot width, the lot area and the side yard requirements. A minimum lot area of 5,000 square feet and a minimum lot width of fifty feet are required in the R-1-B District. The subject property contains 3,354 square feet of lot area and is thirty feet wide. A side yard of at least eight feet on each side is required. The existing yard on the northwest side is five feet. The existing side yard on the southeast side is 8.9 feet. The structure occupies 684.31 square feet of the site, which is well below the maximum permitted lot occupancy of 1,341.6 square feet.

4. The applicant proposes to construct a one-story vestibule addition on the southeast side of the structure. The proposed vestibule would extend 5.0 feet from the

11. Both the abutting and the adjacent neighbors, by letter filed April 11, 1983, expressed their support for the subject application on the grounds that the proposal would not cause any hardship or interfere with their needs.

12. There was no opposition to the subject application at the public hearing or of record.


CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking four area variances, the granting of which require a showing of a practical difficulty that is inherent in the property itself, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. The Board concludes that the lot width and lot area of the property combined with the layout of the building constitute a practical difficulty inherent in the property. Also the non-conforming structure predates the current Zoning Regulations. The Board notes that there was no opposition to the application. The Board concludes that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 4-0 (Walter B. Lewis, Carrie Thornhill, William F. McIntosh and Charles R. Norris to grant; Douglas J. Patton not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: JUL 13 1983

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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